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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ALEX K. TSUI, PAUL (MING) CHEN, MICHAEL G. POLAN,
and ARNOLD ROSEN

Appeal 2009-005504
Application 10/730,656
Technology Center 2100

Decided: September 15, 2009

Before JAMES D. THOMAS, JAY P. LUCAS, and THU A. DANG,
Administrative Patent Judges.

DANG, *Administrative Patent Judge.*

DECISION ON APPEAL

I. STATEMENT OF THE CASE

Appellants appeal from the Examiner's final rejection of claims 1-15 and 19-25 under 35 U.S.C. § 134(a) (2002). We have jurisdiction under 35 U.S.C. § 6(b)(2002).

We reverse.

A. INVENTION

According to Appellants, the invention relates generally to the logging of events generated by computer applications, and more particularly to the unified logging of events generated by computer applications distributed across a network (Spec. 1, ¶ [0001]).

B. ILLUSTRATIVE CLAIM

Claim 1 is exemplary and is reproduced below:

1. A method of providing a unified logging service, for use in a network having a plurality of nodes capable of generating event logs, wherein said unified logging service having a unified log server and repository, comprising the steps of:

converting an event log file of a first log type and structure associated with a sending node into a predefined format;

transmitting the converted event log file over the network to the unified log server;

receiving the converted event log file by the unified log server;

determining the log type of the converted log file and routing the converted log file to a log handler compatible with the log type and the predefined format;

identifying a receiving node compatible with the log type for the converted event log file, and forwarding the converted

event log file from the log handler to the identified receiving node.

C. REJECTIONS

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Hirata	6,219,701 B1	Apr. 17, 2001
Sullivan	2004/0172284 A1	Sep. 2, 2004

Claims 1, 4-11, 13, 15, 19, and 22-25 stand rejected under 35 U.S.C. § 102(b) as anticipated by the teachings of Hirata.

Claims 2, 3, 12, 14, 20, and 21 stand rejected under 35 U.S.C. § 103(a) over the teachings of Hirata in view of Sullivan.

II. ISSUES

Have Appellants shown that the Examiner erred in finding that Hirata teaches the steps of “determining the log type of the converted log file and routing the converted log file to a log handler compatible with the log type and the predefined format” and “identifying a receiving node compatible with the log type for the converted event log file, and forwarding the converted event log file from the log handler to the identified receiving node” (claim 1)?

III. FINDINGS OF FACT

The following Findings of Fact (FF) are shown by a preponderance of the evidence.

Hirata

1. Hirata discloses computers 402 to 407, each comprising a normalizing unit 210 in an integrated management agent 113 which converts log information into a common format to which a discrimination of event/log information is added (col. 8, ll. 3-7; Figs. 1, 3, and 5).
2. The converted common format is notified by the event/log notifying unit 211 of the integrated management agent 113 to the managing computer 401 (*id.* at ll. 7-9), wherein the event/log acquiring unit 202 of the event/log managing unit 201 stores the notified event information (*Id.* at ll. 10-14).
3. In the managing computer 401, the information is discriminated as either log information or event information based upon discrimination contained in this information (*Id.* at ll. 26-29).
4. The integrated management screen display unit 105 causes the definition management unit 102 to retrieve/refer to the log information then forms an integrated management screen by using the retrieved/referred information, and displays the formed integrated management screen on the display apparatus 308 (col. 9, ll. 6-10).

IV. PRINCIPLES OF LAW

35 U.S.C. § 102

In rejecting claims under 35 U.S.C. § 102, “[a] single prior art reference that discloses, either expressly or inherently, each limitation of a claim invalidates that claim by anticipation.” *Perricone v. Medicis Pharm.Corp.*, 432 F.3d 1368, 1375 (Fed. Cir. 2005) (citation omitted). “Anticipation of a patent claim requires a finding that the claim at issue ‘reads on’ a prior art reference.” *Atlas Powder Co. v. IRECO, Inc.*, 190 F.3d 1342, 1346 (Fed Cir. 1999) “In other words, if granting patent protection on the disputed claim would allow the patentee to exclude the public from practicing the prior art, then that claim is anticipated, regardless of whether it also covers subject matter not in the prior art.” (*Id.*) (citations omitted).

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987).

V. ANALYSIS

Claims 1, 4-11, 13, 15, 19, and 22-25

Hirata discloses converting log information into a predefined format (FF 1), and transmitting the converted log information over the network to a log/event acquiring unit of a managing computer (FF 2). We find an artisan would have understood the log information to be “an event log file” and

would have understood the managing computer comprising the log/event acquiring unit to be a “unified log server” as required by claim 1. Thus, the skilled artisan would have understood Hirata to teach “converting an event log file of a first log type and structure associated with a sending node into a predefined format,” “transmitting the converted event log file over the network to the unified log server,” and “receiving the converted event log file by the unified log server” (claim 1).

However, Appellants contend that “[i]ndependent claim 1 recites, in part, the following limitations: determining the log type of the convert log file and *routing the converted log file to a log handler compatible with the log type and the predefined format*” (App. Br. 6). In particular, Appellants argue that though the Examiner finds that “expansion of the information requires determination of the type of the information/log” (*id.*), “the passage identified by the Examiner refers to expanding operation definition information” wherein “the operation definition information is entirely different that [sic] the log information that is sent from the computers 402 to 407 to the managing computer 401” (*Id.*). Thus, Appellants contend that “these passages are silent as to the converted log file itself” (App. Br 7). Additionally, Appellants contend that “the converted event log file is not forwarded from the computers 402-407 to the power supply control unit 111, print execution control unit 112, and job execution control unit 110” as the Examiner finds (App. Br. 9).

The Examiner finds that Hirata does disclose “identifying type of event information/log, i.e. what does the event refer to (power, print or execution unit)” (Ans. 4). The Examiner explains that “job execution, power supply and print execution” would “correspond to the type of log file” because when an event occurring in print section “can not be handled by power supply and vice versa,” it is “critical to determine which control unit is responsible for handling existing tasks and resolution of occurring errors” (Ans. 8). The Examiner also finds that Hirata discloses “forwarding the converted event log file from the log handler to the identified receiving node” which is the “power supply control unit, print execution control unit or job execution control unit” (Ans. 4).

Accordingly, the issues we address on appeal are whether Hirata teaches the steps of “determining the log type of the converted log file and routing the converted log file to a log handler compatible with the log type and the predefined format” and “identifying a receiving node compatible with the log type for the converted event log file, and forwarding the converted event log file from the log handler to the identified receiving node” (claim 1). After reviewing the record on appeal, we agree with Appellants that the passages cited by the Examiner do not teach these claimed steps.

Hirata discloses determining whether the converted information is log information or event information based upon discrimination contained in this information (FF 3) and then routing the converted information to an

integrated management screen display unit which forms an integrated management screen by using the converted information (FF 4).

Though the Examiner finds that Hirata discloses “identifying type of event information/log, i.e. what does the event refer to (power, print or execution unit)” (Ans. 4), and that “job execution, power supply and print execution” of Hirata would “correspond to the type of log file” (Ans. 8), Hirata does not disclose “determining the log type of the *converted* log file” (emphasis added) as required by claim 1. That is, we agree with Appellants contention that “these passages are silent as to the converted log file itself” (App. Br 7). Thus, even if Hirata discloses identifying the type of information as “job execution,” “power supply” or “print execution,” the log type of the *converted* job file is not determined as “job execution,” power supply” or “print execution.” Instead, the converted job file in Hirata routed to an integrated management screen display unit (FF 4).

Similarly, though the Examiner finds that Hirata discloses forwarding the converted event log file to an identified receiving node, “i.e. power supply control unit, print execution control unit or job execution control unit” (Ans. 4), the converted event log file of Hirata is forwarded to an integrated management screen display unit instead (FF 4). Thus, we agree with Appellants that “the converted event log file is not forwarded from the computers 402-407 to the power supply control unit 111, print execution control unit 112, and job execution control unit 110” as the Examiner finds (App. Br. 9).

Thus, while Hirata discloses that the converted log file is discriminated and forwarded to the integrated management screen display unit (FF 3-4), and the integrated management screen display unit handles the log information (FF 4), we agree with the Appellants that the Examiner erred in finding that Hirata anticipates the teachings of claim 1 in the cited passages.

As such, we will reverse the rejection of representative claim 1 and claims 4-11, 13, 15, 19, and 22-25 standing therewith as anticipated by Hirata. We thus conclude that Appellants have shown that the Examiner erred in rejecting claims 1, 4-11, 13, 15, 19, and 22-25 under 35 U.S.C. § 102(b) for the reasons as set forth above.

Claims 2, 3, 12, 14, 20, and 21

We also find that the cited passages in Sullivan do not cure the deficiencies of the passages in Hirata cited by the Examiner. As such, we will reverse the rejection of 2, 3, 12, 14, 20, and 21 over Hirata in view of Sullivan.

VII. CONCLUSIONS OF LAW

Appellants have shown that the Examiner erred in finding claims 1, 4-11, 13, 15, 19, and 22-25 anticipated under 35 U.S.C. § 102(b) over the teachings of Hirata and in finding claims 2, 3, 12, 14, 20, and 21 unpatentable under 35 U.S.C. § 103(a) over the teachings of Hirata in view of Sullivan.

VIII. DECISION

We have not sustained the Examiner's rejection with respect to any claim on appeal. Therefore, the Examiner's decision rejecting claims 1-15 and 19-25 is reversed.

REVERSED

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